

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**STUDENTS ENGAGED IN  
ADVANCING TEXAS, M.F., by and  
through next friend, VANESSA  
FERNANDEZ, AMPERSAND GROUP  
LLC, and BRANDON CLOSSON,  
Plaintiffs,**

**V.**

**KEN PAXTON**, in his official capacity as  
Attorney General of Texas,

**Defendant.**

**S S S S S S S S S S**

**Civil Action No. 1:24-cv-945-RP**

## DEFENDANT'S NOTICE OF APPEAL

Pursuant to Rules 3(a)(1) and 4(a)(1)(A) of the Federal Rules of Appellate Procedure, Defendant Ken Paxton, in his official capacity as Attorney General for the State of Texas (“Defendant”), files this Notice of Appeal to the United States Court of Appeals for the Fifth Circuit from the Order entered on February 7, 2025.<sup>1</sup> This Order granted in part and denied in part Plaintiffs’ Motion for a Preliminary Injunction. Defendant moved the Court to deny Plaintiffs’ Motion for a Preliminary Injunction.<sup>2</sup> The order granting the preliminary injunction in part is immediately appealable under 28 U.S.C. § 1292(a)(1). This notice divests this Court of jurisdiction during the pendency of the appeal because Defendant asserted challenges against all claims brought by Plaintiffs in this lawsuit.<sup>3</sup> Based on the cited Fifth Circuit precedent, proceedings in this Court are suspended pending resolution of the appeal.

<sup>1</sup> ECF 42.

<sup>2</sup> ECF 35.

<sup>3</sup> See ECF 35; *Whole Woman's Health v. Jackson*, 13 F.4th 434, 444 (5th Cir. 2021) (“[T]he notice appealing the order ‘divest[s] the district court of its control over those aspects of the case involved in the

Dated: February 7, 2025

Respectfully submitted,

**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

**BRENT WEBSTER**  
FIRST ASSISTANT ATTORNEY GENERAL

**RALPH MOLINA**  
DEPUTY FIRST ASSISTANT ATTORNEY GENERAL

**JAMES LLOYD**  
DEPUTY ATTORNEY GENERAL FOR CIVIL  
LITIGATION

**KIMBERLY GDULA**  
CHIEF - GENERAL LITIGATION DIVISION

/s/ Todd Dickerson  
**TODD DICKERSON**  
Attorney-in-charge  
Assistant Attorney General  
Texas State Bar No. 24118368  
Todd.Dickerson@oag.texas.gov  
Office of the Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
(512) 936-1309 | Fax: (512) 320-0667  
*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I certify that a copy of the document above was served on all counsel of record who have entered an appearance on February 7, 2025, using the Federal Court CM/ECF system.

/s/ Todd Dickerson

---

appeal.”) (quoting *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982)); see also *Wooten v. Roach*, 964 F.3d 395, 412 (5th Cir. 2020); *Williams v. Brooks*, 996 F.2d 728, 729–30 (5th Cir. 1993).